

UTILITY CONTINUATION PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.: **IM-2-C1-C1-1**

Inventors: Shumin Yang, 765 San Antonio Road, #73, Palo Alto, CA 94303
Catherine A. McCall, 709 Pleasant Street, Boulder, CO 80302
Eric R. Weber, 2625 Silver Creek Drive, Fort Collins, CO 80525

Title: "CANINE AND FELINE IMMUNOREGULATORY PROTEINS, NUCLEIC ACID
MOLECULES AND USES THEREOF"

Group Art Unit: 1636

Examiner: Sumesh Kaushal

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: February 25, 2004 Express Mail Label Number: **EV 322825515 US**

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan A. Gordon
Name of Person Mailing Paper

Susan A. Gordon
Signature of Person Mailing Paper

**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

This is a Continuation application of pending prior application No. 09/755,633, filed January 5, 2001; which is a continuation-in-part of application no. 09/322,409, filed May 28, 1999; which claims priority to provisional application no. 60/087,306, filed May 29, 1998. The entire disclosure of the prior applications is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

Enclosed for filing with the above-identified utility patent application are the following:

1. **Applicants claim small entity status.** See 37 CFR 1.27.
2. 60 pages of specification, claims and abstract from prior application No. 09/755,633.
3. Copy of Declaration from prior application No. 09/755,633 (37 CFR 1.63(d)).
4. Paper copy (11 pages) of Application Sequence Listing, SEQ ID NO:1 through SEQ ID NO:21. Applicants hereby assert pursuant to 37 CFR §1.821(f) that the content of the paper copy submitted herewith and the computer readable form (CRF) submitted in prior application no. 09/755,633 are identical. Pursuant to 37 CFR § 1.821(e), reference is hereby made to the CRF submitted in prior application no. 09/755,633, and Applicants request that the CRF submitted in 09/755,633 be used in lieu of filing a duplicate computer readable form with this application.
5. Power of Attorney.
6. Return Postcard (MPEP 503)

FEE CALCULATION:

Cancel Claims 2-18 from prior application No. 09/755,633.

	(COL. 1) NO. FILED			(COL. 2*) NO. EXTRA	SMALL ENTITY			LARGE ENTITY	
					RATE	FEE		RATE	FEE
BASIC FEE:						\$385.00	OR		\$740.00
TOTAL CLAIMS:	1	-	20	0	X \$9 =	\$	OR	X \$18 =	\$
INDEP. CLAIMS:	1	-	3	1	X \$43 =	\$	OR	X \$84 =	\$
MULTIPLE DEPENDENT CLAIMS					+ \$140 =	0.00	OR	+\$280 =	\$
*IF THE DIFFERENCE IN COL. 2 IS LESS THAN ZERO, ENTER "O" IN COL. 2.					TOTAL:	\$385.00			\$

OTHER INFORMATION:

- Please charge Deposit Account No. 081930 in the amount of \$385. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.
- The Commissioner is hereby authorized to debit any underpayment or credit any overpayment to Deposit Account No. 081930.
- The prior application is assigned to Heska Corporation.
- Please amend the specification by inserting the following after the title and before the Field of Invention:

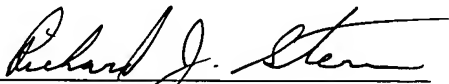
--CROSS REFERENCE TO RELATED APPLICATION

The present application is a continuation under 37 CFR 1.53(b) of pending prior U.S. Patent Application Serial No. 09/755,633, filed January 5, 2001, entitled "Canine and Feline Immunoregulatory Proteins, Nucleic Acid Molecules, and Uses Thereof"; which is a continuation-in-part application of pending prior U.S. Patent Application Serial No. 09/322,409, filed May 28, 1999, entitled "entitled Canine and Feline Immunoregulatory Proteins, Nucleic Acid Molecules, and Uses Thereof"; which claims priority to U.S. Provisional Patent Application Serial No. 60/087,306, filed May 29, 1998, entitled "Canine Interleukin-4 and FLT-3 Ligand Proteins, Nucleic Acid Molecule and Uses Thereof."--

- Contact Information: Richard J. Stern, Ph.D.
 Registration No. 50,668
 Heska Corporation
 Intellectual Property Dept.
 1613 Prospect Parkway
 Fort Collins, Colorado 80525
 Telephone: (970) 493-7272
 Facsimile: (970) 491-9976

- Customer No.: **26949**

Respectfully submitted,



Richard J. Stern, Ph.D.
Registration No. 50,668

Dated: February 25, 2004